
PRELIMINARY DRAFT
No. 3763

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2005 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 20-19.

Synopsis: Title 20 recodification. Article 19. (New cite order, with queries.)

Effective: July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-19 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 19. STATE ADMINISTRATION OF ELEMENTARY AND SECONDARY EDUCATION

Chapter 1. State Superintendent of Public Instruction

[20-1-11.5-2] Sec. 1. ~~Sec. 2:~~ (a) The ~~state~~ superintendent of public instruction shall be elected under IC 3-10-2-6 by the voters of the state: **Indiana.**

(b) The term of office of the ~~state~~ superintendent is four (4) years, beginning on the second Monday in January after election and continuing until a successor is elected and qualified.

[20-1-16-1] Sec. 2. ~~Sec. 1:~~ The state superintendent of public instruction is hereby designated to, and empowered to may cooperate with, the Agricultural Marketing Service of the United States Department of Agriculture and with other federal relief agencies in the distribution of surplus agricultural commodities to the following:

(1) ~~Tax-supported public schools:~~ **School corporations.**

(2) ~~Private and parochial non-profit Nonpublic schools.~~ [QUERY: ARE THERE ANY FOR-PROFIT NONPUBLIC SCHOOLS?] ~~to local~~

(3) Township and county relief agencies. ~~and to such~~

(4) Other ~~non-profit nonprofit~~ public and private institutions as to which by law such the commodities may be distributed.

[20-5-13-2] Sec. 3. ~~Sec. 2:~~ (a) The state superintendent of public instruction is hereby authorized to may accept and direct the disbursement of funds appropriated by any an act of the Congress of the United States and apportioned to the state for use in connection with school lunch programs.

(b) The state superintendent of public instruction shall deposit all such funds received from the federal government for school lunch



1 **programs** with the treasurer of state in ~~such properly designated a~~
 2 special account or accounts ~~as will to~~ facilitate the administration of
 3 the program. ~~and said The~~ treasurer shall make disbursements
 4 ~~therefrom upon the direction of the state superintendent. of public~~
 5 ~~instruction.~~

6 [20-5-13-3] Sec. 4. ~~Sec. 3:~~ (a) The state superintendent ~~of public~~
 7 ~~instruction~~ may:

- 8 (1) enter into ~~such~~ agreements with ~~any school board, a~~
 9 **governing body** or ~~with any other another~~ agency or person;
- 10 (2) ~~prescribe such regulations, adopt rules under IC 4-22;~~
- 11 (3) employ ~~such~~ personnel; and
- 12 (4) take ~~such~~ other action; ~~as he may deem~~

13 **the state superintendent considers** necessary to provide for the
 14 establishment, maintenance, operation, and expansion of ~~any a~~ school
 15 lunch program. ~~and to The state superintendent may~~ direct the
 16 disbursement of federal and state funds, in accordance with ~~any~~
 17 applicable ~~provision of~~ federal or state law.

18 (b) The state superintendent ~~of public instruction~~ may give technical
 19 advice and assistance to ~~any school board a governing body~~ in
 20 connection with the establishment and operation of ~~any a~~ school lunch
 21 program and may assist in training personnel engaged in the operation
 22 of ~~such a~~ program.

23 (c) The state superintendent, ~~of public instruction and any school~~
 24 ~~board, a governing body, or any a~~ sponsoring agency (~~hereinafter~~
 25 ~~referred to~~); may accept any gift for use in ~~connection with any a~~
 26 school lunch program.

27 [20-5-13-6] Sec. 5. ~~Sec. 6:~~ **In cooperation with other appropriate**
 28 **agencies and organizations**, the state superintendent ~~of public~~
 29 ~~instruction is hereby authorized may accept funds~~, to the extent that
 30 funds are available, for that purpose, ~~and in cooperation with other~~
 31 ~~appropriate agencies and organizations, to:~~

- 32 (1) conduct studies of methods of improving and expending
 33 school lunch programs and promoting nutritional education in the
 34 schools; ~~to~~
- 35 (2) conduct appraisals of the nutritive benefits of school lunch
 36 programs; and ~~to~~
- 37 (3) report ~~his~~ findings and recommendations ~~from time to time~~
 38 **periodically** to the governor.

39 [20-5-13-8] Sec. 6. ~~Sec. 8:~~ ~~All and any of~~ The rights, powers, duties,
 40 and liabilities in favor of or enjoined upon ~~said the~~ administrative
 41 defense council of the state ~~of Indiana~~ arising out of ~~the execution of~~
 42 ~~said the~~ contract of August 27, 1946, with ~~said the~~ United States
 43 Department of Agriculture, and the ~~carrying out of said conduct of the~~
 44 school lunch program ~~pursuant thereto, under the contract, shall~~
 45 ~~immediately~~ vest in the state superintendent. ~~of public instruction on~~
 46 ~~March 15, 1947, and said The~~ contract shall thereafter be carried out,



and performed by, and in the name of ~~said the~~ state superintendent of public instruction; for and on behalf of the state, ~~of Indiana~~; without the necessity of executing a new contract, ~~therefor~~; unless a new contract ~~shall be~~ is found to be considered necessary or desirable by the parties. ~~thereto~~. [QUERY - IS THIS CONTRACT STILL IN EFFECT? CAN THIS SECTION BE REPEALED?]

Chapter 2. State Board of Education

[New] Sec. 1. As used in this chapter, "advisory committee" refers to the advisory committee on textbook adoption.

[20-1-1-1(a)] Sec. 2. ~~Sec. 1.~~ (a) The Indiana state board of education is established. The state board ~~shall consist~~ consists of:

(1) the state superintendent; and

(2) ten (10) members appointed by the governor.

~~and the state superintendent of public instruction.~~

(b) The following provisions apply to members of the state board appointed by the governor:

(1) At least four (4) of the ~~ten (10)~~ members appointed by the governor a minimum of four (4) members must be persons who are actively employed in the schools in Indiana and who hold a valid teaching license.

(2) At least one (1) member must be appointed from each congressional district in Indiana.

(3) ~~No~~ Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.

(4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years.

(5) The governor may dismiss a member for just cause.

(6) The governor may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

(c) A quorum consists of six (6) members of the state board, and an action of the state board is not official unless it the action is authorized by at least six (6) members.

(d) The state superintendent of public instruction ~~shall serve~~ serves as chairman chairperson of the state board. Appointed board members shall serve for a term of four (4) years; unless dismissed before the expiration of four (4) years by the governor for just cause. Any appointment to fill a vacancy occurring on the board shall be for the unexpired term.

[20-1-1-1(b)] Sec. 3. (b) (a) The superintendent of public instruction shall appoint six (6) persons who shall serve on the advisory committee on textbook adoption is established. The advisory committee consists of:

(1) the state superintendent of public instruction or his the state superintendent's designee; shall serve as a voting member of the



~~committee. and~~

(2) six (6) members appointed by the state superintendent.

(b) The following provisions apply to members of the advisory committee appointed by the state superintendent:

(1) At least four (4) of the members ~~of the advisory committee on textbook adoptions~~ **shall must** be actively employed in the schools in Indiana and hold a valid teaching license.

(2) ~~No~~ **Not** more than four (4) of the members of the committee may be appointed from the membership of any one (1) political party. ~~The state superintendent or his designee shall serve as chairman of the committee.~~ **Committee**

(3) Members ~~shall~~ serve at the pleasure of the **state** superintendent. ~~of public instruction.~~

(c) The state superintendent or the state superintendent's designee serves as chairperson of the advisory committee.

[20-1-1-1(c),(d)] Sec. 4. ~~(e)~~ **(a)** The **state** board and the **advisory** committee shall meet at ~~such the times as~~ they determine. ~~The terms of office of the appointive members of the board shall commence on July 1.~~

~~(d)~~ **(b)** The **state** board may establish other advisory committees as necessary to provide technical and professional assistance to the **state** board.

[20-1-1-1(e)] Sec. 5. ~~(e)~~ Whenever the **state** board is required to conduct hearings under IC 4-21.5-3, the **state** board may use hearing examiners who are not members of the **state** board to conduct the hearings.

[20-1-1-5(a)] Sec. 6. ~~Sec. 5:~~ **(a)** The **state** board shall elect one (1) ~~of its members~~ **member** to serve as secretary. ~~who~~ **The secretary** shall: ~~have the~~

(1) ~~maintain~~ custody of ~~its the state board's~~ records, papers, and effects; and ~~shall~~

(2) keep minutes of ~~the state board's~~ proceedings.

The records, papers, effects, and minutes of all meetings and actions of the **state** board shall be kept at the office of the state superintendent ~~of public instruction and shall be open for are public inspection.~~ **records.**

(b) The **state** board shall adopt and use a seal ~~on the face of which shall be containing~~ the words "Indiana State Board of Education". A written description of the seal shall be recorded ~~on in~~ the minutes of the **state** board and filed in the office of the secretary of state. The seal shall be used for the authentication of the acts of the **state** board and the important acts of the ~~state department. of education.~~

[20-1-1-5(b)] Sec. 7. ~~(b)~~ **Appointive members (a)** **Each member** of the **state** board who ~~are is~~ not ~~officers an officer~~ or ~~employees~~ **employee** of the state ~~are is~~ entitled to an annual salary of two thousand dollars (\$2,000). ~~Appointive members~~

(b) ~~Each member of the an advisory committees~~ **committee** who



are ~~is not officers an officer or employees employee~~ of the state ~~are is~~ entitled to the minimum salary per diem provided in IC 4-10-11-2.1(b) while performing their respective duties as committee members. ~~All members~~

(c) Each member of the state board or ~~committees are an advisory committee is~~ entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with ~~their the member's~~ duties, ~~as board or committee members,~~ as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency. The compensation of members employed in the public schools shall not be decreased because of regular service on the state board or ~~on one of the committees. an advisory committee.~~

[20-1-1-6(a), (d)] Sec. 8. ~~Sec. 6:~~ (a) In addition to any other powers and duties prescribed by law, the Indiana state board of education shall adopt rules under IC 4-22-2 concerning but not limited to the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor ~~as provided for by under~~ IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines, other than building, space, and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in ~~the a~~ school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for ~~pupil~~ student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. ~~Beginning with classroom instruction for the 1993-1994 school year,~~ Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools ~~of the state in Indiana~~ for the purpose of determining the condition of the schools. The state board shall establish standards governing the accreditation of



public schools. Observance of:

(A) ~~IC 20-1-1-2~~; **IC 20-31-4**;

(B) ~~IC 20-6.1-3-2~~; **IC 20-28-5-2**;

(C) ~~IC 20-6.1-4-4~~ **IC 20-28-6-3** through ~~IC 20-6.1-4-8~~;
IC 20-28-6-7;

(D) ~~IC 20-6.1-5-4~~ **IC 20-28-9-7** and ~~(E)~~ **IC 20-6.1-5-5**[?];

~~(F)~~ **(E)** ~~IC 20-6.1-9~~; **IC 20-28-11**; and

~~(G)~~ **(F)** ~~IC 20-10.1-16~~ **IC 20-31-3, IC 20-32-4, IC 20-32-5,**
and IC 20-32-6 and ~~IC 20-10.1-17~~; **IC 20-32-8**;

is a prerequisite to the accreditation of a school. ~~It shall be the duty of~~ Local public school officials ~~to shall~~ make ~~such the~~ reports ~~as shall be~~ required of them and ~~to~~ otherwise cooperate with the **state** board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. ~~should they desire it.~~ Compliance with the building and site guidelines adopted by the ~~Indiana~~ state board ~~of education~~ is not a prerequisite of accreditation.

(6) Subject to ~~subsections (b) and (c)~~, **section 9 of this chapter**, the adoption and approval of textbooks under ~~IC 20-10.1-9~~;
IC 20-20-5.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The **state** board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under ~~IC 20-1-1-6.2~~ **IC 20-19-2-10**. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

~~(d)~~ **(b)** Before final adoption of any rule, the **state** board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

[20-1-1-6(b),(c)] Sec. 9. ~~(b)~~ **(a)** The advisory committee ~~on textbook adoption~~ may initiate rules and hold public hearings under IC 4-22-2 on rules concerning the adoption of textbooks. The advisory committee shall send a proposed rule on which public hearings have been held to the **state** board. The **state** board may adopt or reject a rule initiated by the advisory committee. If the advisory committee holds hearings on a proposed rule, the **state** board is not required to hold hearings.

~~(c)~~ **(b)** Every rule initiated by the **state** board concerning textbook adoption shall be sent to the advisory committee. ~~on textbook adoption~~. Upon receipt of a rule initiated by the **state** board, ~~an the~~ advisory committee may hold public hearings on the rule. Whenever ~~an the~~ advisory committee holds a public hearing on a rule initiated by the **state** board, ~~it the advisory committee~~ shall send the proposed rule



and a recommendation to the **state** board ~~within not more than~~ ninety (90) days after it **the advisory committee** receives the rule from the **state** board. If the advisory committee fails to hold a hearing or to return the proposed rule with a recommendation to the **state** board ~~within not more than~~ the ninety (90) day period, the **state** board may hold public hearings on the proposed rule and proceed under IC 4-22-2 or may discontinue the proceedings. ~~Whenever the advisory committee holds hearings on a proposed rule, the board is not required to do so.~~

[20-1-1-6.2] Sec. 10. ~~Sec. 6-2:~~ (a) It is the policy of the state that **the state:**

- (1) ~~the state~~ recognizes that nonpublic schools provide education to children in Indiana;
- (2) ~~the state~~ has an interest in ensuring that all Indiana children are well-educated in both curricular and extracurricular programs; and
- (3) ~~the state~~ should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.

(b) ~~Beginning with the 1991-92 school year,~~ The **state** board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in ~~subdivision subsection~~ (a).

(c) The system of recognition described under subsection (b) **must:**

- (1) ~~must~~ be voluntary in nature ~~by~~ **with respect to** the nonpublic school;
- (2) ~~must~~ recognize the characteristics that distinguish nonpublic schools from public schools; and
- (3) ~~must~~ be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section ~~6(a)(5)~~ **8(a)(5)** of this chapter.

(d) This section does not prohibit a nonpublic school from seeking accreditation under section ~~6(a)(5)~~ **8(a)(5)** of this chapter.

(e) The **state** board shall adopt rules under IC 4-22-2 to implement this section.

[20-1-1-6.3] Sec. 11. ~~Sec. 6-3:~~ (a) ~~As used in this section, "governing body" refers to the governing body of a school corporation.~~

~~(b)~~ As used in this section, "plan" refers to a strategic and continuous school improvement and achievement plan developed under ~~IC 20-10.2-3:~~ **IC 20-31-5.**

~~(c)~~ **(b)** A plan must conform to the requirements of ~~IC 20-10.2-3:~~ **IC 20-31-5** and include a professional development program that conforms to section 6.5[??] of this chapter.

~~(d)~~ **(c)** The governing body may do the following for a school that participates in a plan:

- (1) Invoke a waiver of any rule adopted by the **state** board ~~in accordance with~~ **under** ~~IC 20-10.2-3-4(b):~~ **IC 20-31-5-5(b).**



(2) Develop a plan for the admission of students ~~to the school~~ who do not reside in the school's attendance area but ~~who~~ have legal settlement ~~within in~~ the school corporation.

~~(c)~~ **(d)** In approving a school ~~corporations~~ **corporation's actions** under this section, the **state** board shall consider whether the governing body has done the following:

(1) Approved a school's plan.

(2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

~~(f)~~ **(e)** The **state** board may waive any statute or rule relating to curriculum or textbook selection on behalf of a school in accordance with ~~IC 20-10.2-3-4(c)~~: **IC 20-31-5-5(c). [QUERY - IS THIS AN UNCONSTITUTIONAL DELEGATION OF LEGISLATIVE AUTHORITY?]**

~~(g)~~ **(f)** As part of the plan, the governing body may develop and implement a policy to do the following:

(1) Allow ~~for~~ the transfer of a student who resides in the school's attendance area but whose parent or legal guardian requests that the student attend another school ~~within in~~ the school corporation of legal settlement.

(2) Inform parents of their rights under this section.

~~(h)~~ **(g)** The **state** board shall adopt rules under IC 4-22-2 to implement this section.

[20-1-1-6.4] Sec. 12. ~~Sec. 6-4:~~ (a) The ~~Indiana~~ state board of ~~education~~ shall adopt nonbinding guidelines ~~on for~~ the selection of school sites and the construction, alteration, and repair of school buildings. The nonbinding guidelines ~~shall describe~~ **must include** preferred location and building practices for school corporations, including standards for enhancing health, energy efficiency, cost efficiency, and instructional efficacy. The nonbinding guidelines may include guidelines concerning minimum acreage, cost per square foot, and per student square footage.

(b) The ~~Indiana~~ state board of ~~education~~ shall annually compile, in a document capable of easy revision, the guidelines described in subsection (a) and the rules of the fire prevention and building safety commission and the state department of health that govern site selection and the construction, alteration, and repair of school buildings.

(c) Before submitting ~~its~~ completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the state building commissioner for issuance of a design release under IC 22-15-3, ~~the~~ a school corporation shall:

(1) issue a public document that describes any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection



(a), as determined under the guidelines adopted by the ~~Indiana~~ state board; ~~of education~~; and

(2) after publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the state building commissioner without making changes. The school corporation shall revise the public document described in subdivision (1) to identify any changes in the plans and specifications after the public document's initial preparation.

[20-1-1-9] Sec. 13. ~~Sec. 9:~~ The ~~Indiana~~ state board ~~of education~~ may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

(1) The terms of a federal grant or a federal law.

(2) ~~IC 20-1-6-5~~ **IC 20-35-4-5** concerning the authorization of a special school for children with disabilities.

[20-1-1-7] Sec. 14. ~~Sec. 7:~~ The state board ~~of education~~ shall do the following:

(1) Establish the educational goals of the state, developing standards and objectives for local school corporations.

(2) Assess the attainment of the established goals.

(3) Assure compliance with established standards and objectives.

(4) Make recommendations to the governor and general assembly ~~on~~ **concerning** the educational needs of the state, including financial needs.

[20-1-1-8] Sec. 15. ~~Sec. 8:~~ The ~~Indiana~~ state board ~~of education~~ shall ~~act under comply with~~ ~~IC 20-5-62~~ **IC 20-26-15** **[QUERY: ARE THERE ANY "FREEWAY" SCHOOLS"]** to establish a freeway school corporation and a freeway school.

[20-1-6-4] Sec. 16. ~~Sec. 4:~~ (a) The state ~~of Indiana~~ ~~hereby~~ accepts ~~all~~ of the provisions and benefits of ~~all~~ laws enacted by the Congress of the United States ~~which that~~ provide for aid to children with disabilities. ~~and~~

(b) The ~~Indiana~~ state board ~~of education~~ is ~~hereby~~ designated as the proper authority and is ~~authorized to~~ **may** accept any federal funds appropriated ~~for the purpose of aiding to aid~~ in the education of children with disabilities. ~~and~~ The ~~Indiana~~ state board ~~of education~~ shall comply with all the requirements of:

(1) federal law concerning any ~~such~~ federal funds relating to ~~such~~ special educational activities; ~~as well as with and~~

(2) any amendments ~~thereto to those laws~~ or rules and regulations issued ~~thereunder under~~ and in conformity ~~therewith, with those~~ laws and not inconsistent with ~~the provisions of~~ this chapter.



[20-1-8-1] Sec. 17. ~~Sec. 1:~~ The provisions of an act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," are hereby accepted by the state of Indiana as to the following:

a. (1) Appropriations for the salaries of:

(A) teachers;

(B) supervisors; or

(C) directors;

of agricultural subjects.

b. (2) Appropriations for salaries for teachers of trade and industrial subjects.

c. (3) Appropriations for the training of teachers of vocational subjects.

[QUERY - IS THERE A U.S.C. CITE FOR THIS?]

[20-1-8-2] Sec. 18. ~~Sec. 2:~~ (a) The state treasurer of state is hereby designated as the custodian for vocational education. and

(b) The treasurer of state shall do the following:

(1) Receive money paid to the state from the United States treasury under the provisions of said act of Congress described in section 17 of this chapter. and shall

(2) Pay the same money described in subdivision (1), upon the warrant of the auditor of state, when the same money is certified by the state board. of education.

[20-1-8-3] Sec. 19. ~~Sec. 3:~~ The state board: of education:

(1) is hereby designated as the state board to carry out the provisions of said the act of Congress described in section 17 of this chapter, so far as the same relate act relates to the cooperation of the state and federal government; and shall have (2) has full power to take all necessary steps in: the formulation of

(A) forming plans for the promotion of to promote education in agriculture, in trades, and industries; and to formulate and execute

(B) forming and executing plans for the preparation of to prepare teachers of vocational subjects.

Chapter 3. Department of Education

[20-1-1.1-1] Sec. 1: As used in this article:

"Board" refers to the state board of education established by IC 20-1-1-1.

"Department" refers to the department of education established by section 2[??] of this chapter.

"Superintendent" refers to the state superintendent of public instruction.



1 [20-1-1.1-2] Sec. 1. ~~Sec. 2:~~ The department of education is
2 established.

3 [20-1-1.1-3] Sec. 2. ~~Sec. 3:~~ The state superintendent of public
4 instruction is the director of the department.

5 [20-1-1.1-4] Sec. 3. ~~Sec. 4:~~ The state superintendent, subject to
6 ~~IC 20-1-1-6(+)~~, **IC 20-19-2-8(a)(1)**, with the approval of the state
7 budget agency, may hire the personnel necessary to perform the duties
8 of the department under this title.

9 [20-1-1.1-5] Sec. 4. ~~Sec. 5:~~ The department shall:

- 10 (1) perform the duties required by statute;
- 11 (2) implement the policies and procedures established by the
12 state board;
- 13 (3) conduct analytical research to assist the state board of
14 education in determining the state's educational policy;
- 15 (4) compile statistics concerning the ethnicity and gender of
16 students in Indiana schools, including statistics for all information
17 that the department receives from school corporations on
18 enrollment, number of suspensions, and number of expulsions;
19 and
- 20 (5) provide technical assistance to school corporations.

21 [20-1-1.1-6] Sec. 5. ~~Sec. 6:~~ The department may:

- 22 (1) exercise the powers granted by statute;
- 23 (2) with the approval of the state budget agency, employ experts
24 and consultants to assist the department in carrying out its
25 functions;
- 26 (3) ~~utilize~~, with their consent, use the services and facilities of
27 other state agencies without reimbursements;
- 28 (4) accept in the name of the department, for use in carrying out
29 the functions of the department, any money received by gift,
30 grant, bequest, or otherwise;
- 31 (5) accept voluntary and uncompensated services; and
- 32 (6) expend funds made available to the department according to
33 policies established by the state budget agency.

34 [20-1-1.1-7] Sec. 6. ~~Sec. 7:~~ (a) The department of education shall:

35 **(1) establish a program in health and physical education to**
36 **encourage children in kindergarten through grade 12 to**
37 **develop:**

- 38 **(A) healthful living habits;**
- 39 **(B) an interest in lifetime health and physical fitness; and**
- 40 **(C) decision making skills in the areas of health and**
41 **physical fitness;**

42 ~~(+)~~ **(2) establish the position of education consultant for health**
43 **and physical education; and**

44 ~~(2)~~ **(3) hire an individual to perform the duties of education**
45 **consultant for health and physical education.**

46 (b) The education consultant for health and physical education shall:



- (1) plan and develop ~~curriculum~~ **curricula** for health and physical education for grades kindergarten through 12; and
- (2) perform other duties ~~as designated by~~ the department.

~~designates.~~

~~(c) The department of education shall establish a program in health and physical education for children in grades kindergarten through 12. The purposes of this program are to encourage children to develop:~~

- ~~(1) healthful living habits;~~
- ~~(2) an interest in lifetime health and physical fitness; and~~
- ~~(3) decisionmaking skills in the areas of health and physical fitness.~~

~~(d) (c) The program in health and physical education must include the following elements:~~

- ~~(1) Local school program development.~~
- ~~(2) Technical and inservice training assistance for local schools.~~
- ~~(3) Local school initiatives in writing curricula in the areas of health and physical education.~~
- ~~(4) Cardiopulmonary resuscitation training using a training program approved by the American Heart Association or an equivalent nationally recognized training program.~~

~~(e) In establishing the program in health and physical education, (d)~~
 The department may give grants to or enter into contracts with individuals or school corporations to carry out the purposes of the program **in health and physical education.**

[20-1-1.1-9] Sec. 7. ~~Sec. 9.~~ (a) The department may not accept or distribute to school corporations grants from the ~~United States federal~~ government under Title III of P.L.103-227, if the **state** superintendent determines that acceptance or distribution of grant money does at least one (1) of the following:

- (1) Authorizes an officer or employee of the ~~United States federal~~ government to mandate, direct, or control at least one (1) of the following:
 - (A) The department.
 - (B) A school corporation.
 - (C) A school curriculum or program of instruction.
 - (D) Allocation of a state or local government resource.
- (2) Requires the department, a school corporation, or a school to spend money or incur an expense not paid under Title III of P.L.103-227.
- (3) Requires a school corporation, as a condition of participation, to increase the access of students to at least one (1) of the following:
 - (A) Social services.
 - (B) Health care.
 - (C) Nutrition.
 - (D) Services related to the services listed in clauses (A)



- 1 through (C).
 2 (E) Child care services.
 3 (4) Requires a school corporation, as a condition of participation,
 4 to implement an outcome based education program.
 5 (5) Requires a school corporation, as a condition of participation,
 6 to adopt:
 7 (1) a national curriculum; or
 8 (2) national assessment standards.
 9 (6) Requires ~~United States~~ federal government certification of:
 10 (1) a state curriculum; or
 11 (2) state assessment standards.
 12 (b) The governing body of a school corporation that receives a grant
 13 under this section may withdraw from participation in the grant
 14 program at the following times:
 15 (1) At the end of a school year.
 16 (2) At any time during a school year, if money received for
 17 participation in the grant program is returned to the department.
 18 The amount that a school corporation must return to the
 19 department is the amount received for expenditure during the time
 20 after the school corporation has ceased to participate in the
 21 program. **[QUERY: Title III of P.L.103-227 APPEARS TO**
 22 **HAVE BEEN REPEALED. SEE HISTORICAL NOTES IN**
 23 **20 USC 5881 THROUGH 20 USC 5900. 20 USC 5891a AND**
 24 **5891b HAVE BEEN ADDED IN THE SAME LOCATION**
 25 **BUT DON'T SEEM TO HAVE ANYTHING TO DO WITH**
 26 **GRANT DISTRIBUTION. IS THIS SECTION OBSOLETE?]**
 27 [20-1-1.1-10] Sec. 8. ~~Sec. 10:~~ The department may not approve or
 28 disapprove plans and specifications for the construction, alteration, or
 29 repair of school buildings, except as necessary under the following:
 30 (1) The terms of a federal grant or a federal law.
 31 (2) ~~IC 20-1-6-5~~ **IC 20-35-4-5** concerning the authorization of a
 32 special school for children with disabilities.
 33 **Chapter 4. Education Roundtable**
 34 [20-1-20.5-1] ~~Sec. 1:~~ As used in this chapter, "board" has the
 35 meaning set forth in ~~IC 20-10.1-1-17~~.
 36 [20-1-20.5-2] Sec. 1. ~~Sec. 2:~~ As used in this chapter, "roundtable"
 37 refers to the education roundtable established by section ~~3~~ **2** of this
 38 chapter.
 39 [20-1-20.5-3] Sec. 2. ~~Sec. 3:~~ The education roundtable is
 40 established.
 41 [20-1-20.5-4] Sec. 3. ~~Sec. 4:~~ The roundtable consists of the
 42 following members:
 43 (1) A number of members appointed jointly by the governor and
 44 the **state** superintendent. ~~of public instruction~~. These members
 45 must be representatives of:
 46 (A) business and community leaders;



(B) elementary and secondary education, including programs for exceptional learners (as defined in ~~IC 20-10.2-2-5.5~~; **IC 20-31-2-6**); and

(C) higher education.

The number of members appointed under clause (A) must be equal to the number of members appointed under clauses (B) and (C).

(2) Two (2) members appointed by the president pro tempore of the senate from different political parties.

(3) Two (2) members appointed by the speaker of the house of representatives from different political parties.

[20-1-20.5-5] Sec. 4. ~~Sec. 5:~~ (a) A member of the roundtable is not entitled to a salary per diem.

(b) A member of the roundtable is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

[20-1-20.5-6] Sec. 5. ~~Sec. 6:~~ (a) The governor and the **state** superintendent ~~of public instruction~~ shall jointly serve as cochairpersons of the roundtable. The roundtable shall meet upon the call of the cochairpersons.

(b) A quorum of the roundtable must be present to conduct business. A quorum consists of a majority of the voting members appointed to the roundtable. The roundtable may not take an official action unless the official action has been approved by at least a majority of the voting members appointed to serve on the roundtable.

[20-1-20.5-7] Sec. 6. ~~Sec. 7:~~ The roundtable is a permanent body and working group.

[20-1-20.5-8(a)] Sec. 7. ~~Sec. 8:~~ (a) The roundtable shall provide recommendations on subjects related to education to the following:

- (1) The governor.
- (2) The **state** superintendent. ~~of public instruction.~~
- (3) The general assembly.
- (4) The **state** board.

(b) The recommendations to the general assembly must be in an electronic format under IC 5-14-6.

[20-1-20.5-8(b),(c)] Sec. 8. ~~(b)~~ **(a)** Before providing a recommendation under ~~subsection (a)~~, **section 7 of this chapter**, the roundtable shall prepare an analysis of the fiscal impact that the recommendation will have on ~~the state~~, **Indiana**, political subdivisions, and private schools affected by the recommendation. The analysis must be submitted with the recommendation under ~~subsection (a)~~, **section 7 of this chapter**.

~~(c)~~ **(b)** Whenever the roundtable provides a recommendation under ~~subsection (a)~~, **section 7 of this chapter** and the fiscal impact prepared



under subsection ~~(b)~~ **(a)** indicates that the impact of the recommendation will be at least five hundred thousand dollars (\$500,000), the roundtable shall submit a copy of the recommendation and the fiscal impact prepared under subsection ~~(b)~~ **(a)** to the legislative services agency for review. **This recommendation must be in an electronic format under IC 5-14-6.** Not more than forty-five (45) days after receiving a copy of the recommendation and fiscal analysis, the legislative services agency shall prepare a fiscal analysis concerning the effect that compliance with the recommendation will have on:

- (1) the state; and
- (2) political subdivisions and ~~private~~ **nonpublic** schools affected by the proposed recommendation.

The fiscal analysis must contain an estimate of the direct fiscal impact of the recommendation and a determination concerning the extent to which the recommendation creates an unfunded mandate on the state, a political subdivision, or a ~~private~~ **nonpublic** school affected by the proposed recommendation. The fiscal analysis is a public document. The legislative services agency shall make the fiscal analysis available to interested parties upon request. The roundtable shall provide the legislative services agency with the information necessary to prepare the fiscal analysis. The legislative services agency may also receive and consider applicable information from the entities affected by the recommendation in preparation of the fiscal analysis. The legislative services agency shall provide copies of its fiscal analysis to each of the persons described in ~~subsection (a)-~~ **section 7 of this chapter.**

[20-1-20.5-9] Sec. 9. The roundtable shall make recommendations to the **state** board for improving the academic standards under ~~IC 20-10.1-16~~ **IC 20-31-3.**

[20-1-20.5-10] Sec. 10. The roundtable shall review and recommend to the **state** board for the **state** board's approval the following:

- (1) The academic standards under ~~IC 20-10.1-16~~ **IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6** for all grade levels from kindergarten through grade 12.
- (2) The content and format of the ISTEP program, including the following:
 - (A) The graduation examination.
 - (B) The passing scores required at the various grade levels tested under the ISTEP program.

[20-1-20.5-11] Sec. 11. In making recommendations under section 10 of this chapter, the roundtable shall consider:

- (1) a variety of available national and international assessments and tests;
- (2) the development of an assessment or test unique to Indiana; and
- (3) any combination of assessments or tests described under



1 subdivisions (1) and (2).
2 [20-1-20.5-12] Sec. 12. In making recommendations under section
3 10 of this chapter, the roundtable shall recommend to the **state** board
4 only state tests that when appropriate:
5 (1) present the content of each test in an interdisciplinary manner;
6 and
7 (2) provide each student with the opportunity to meet the
8 academic standards in an applied manner.
9 [20-1-20.5-13] Sec. 13. The **state** board may adopt rules under
10 IC 4-22-2 to implement this chapter.

